

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ENRIQUE FACUNDO,

Plaintiff,

-against-

IMMIGRATION AND NATURALIZATION
SERVICE; I.C.E; H.L.S.; PAROLE COMMISSION
AGENCY; BUREAU OF PRISONS;
DRUG ENFORCEMENT ADMINISTRATION;
J. BROWN, DOING BUSINESS AS J. BROWN
ICE AGENT; CHARLIE DONALD; BUREAU OF
PRISON'S SECURITY GUARDS, RESPONDENTS
/DEFENDANTS NOW AND INCLUDED ALL
PREVIOUS ONE INVOLVED IN THEIR
UNLAWFUL ACTS SINCE 1980,

Defendants.

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ROSS, United States District Judge:

On June 22, 2009, plaintiff, proceeding *pro se*, brought this action. By order dated September 15, 2009, the Court granted plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. However, the Court having found that the true gravamen of plaintiff's complaint was incomprehensible, granted plaintiff permission to file an amended complaint within thirty (30) days, which complies with Fed.R.Civ.P. 8(a). Plaintiff was advised that if he failed to submit an amended complaint within the allowed time, the Court would enter a judgment dismissing the complaint.

Thereafter, in another one of plaintiff's cases, 09-CV-3526 (ARR), he sent a letter to this Court which requested that all correspondence be sent to his son's address. Accordingly, on October 28, 2009, this Court mailed a copy of the Court's September 15, 2009, memorandum

and order, to the address that plaintiff provided. More than thirty days has elapsed since the Court's memorandum and order was mailed to the address that plaintiff provided at the time he filed his complaint, as well as the new address that plaintiff later provided. Accordingly, it is:

ORDERED, ADJUDGED AND DECREED: that the complaint is hereby dismissed. 28 U.S.C. § 1915A(b); Fed.R.Civ.P. 8(a). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/S/

ALLYNE R. ROSS
United States District Judge

Dated: Brooklyn, New York
Dec. 2, 2009

Service List:

Plaintiff (PRO SE):

Enrique Facundo
c/o Enrique E. Richard Facundo, Jr.
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Fresh Meadows, NY 11366